

Amendments to the Drawings

The attached set of drawings (6 pages) includes changes to Figure 8 and 13 to address the Patent Office's objections to the drawings under 37 C.F.R. §1.83(a) and 37 C.F.R. §1.84(p)(4). No amendments have been made to the other drawing figures in this application. No new matter has been added.

REMARKS

Claims 1 to 47 are pending. Claims 2, 8, 41 and 45-47 were previously canceled. No claims have been withdrawn from consideration, canceled, amended or added by this response. Reconsideration and reexamination of the application is requested.

A. Objections to the Drawings

The Patent Office objected to the drawings under 37 C.F.R. §1.83(a) because they failed to show: (1) element 338 described in the specification as a "hook member;" (2) the lid permanently secured to the container by a weld or an adhesive bond; and (3) the base, side wall and end wall permanently joined together. The Patent Office also objected to the drawings under 37 C.F.R. §1.84(p)(4) because reference number "11" of the collar in Fig. 8 should be recited as 111. These objections are respectfully traversed.

1. Element 338.

The reference to element 338 in the specification as a "hook member" is an error; the hook members are identified by elements 339 and 340 in Figure 14. Applicants have amended several paragraphs on page 22 of the application to correspondingly designate the hook members by reference numerals 339 and 340 rather than 338 and 339. Figure 14 supports these amendments as does page 21, lines 26-30 which refer to "hook members 339, 340." These amendments render the rejection moot.

2. Permanently Secured Lid.

Regarding the lid being permanently secured to the container by a weld or an adhesive bond, Applicants have amended page 20 of the application to add a new reference numeral, 211, to designate the various ways of forming a permanent joint between the lid and the container and have amended Figure 13 to include the new reference numeral 211. These amendments do not add new matter to the application as they merely provide a reference numeral for an element that was already fully disclosed in the application. These amendments render the rejection moot.

3. Base, Side Wall and End Wall Permanently Joined Together.

The Patent Office objected to the drawings under 37 C.F.R. §1.83(a) because they failed to show the base, side wall and end wall permanently joined together. The objection is traversed because the pending claims do not recite that the base, side wall and end wall are permanently joined together. Claim 7 states that "the base and side wall are formed in one piece" but Applicants submit that the drawings already adequately illustrate this. Accordingly, Applicants request that the objection to the drawings on this basis be withdrawn. If the Patent Office maintains this objection, then Applicants request that the Patent Office more clearly point out where the objected to feature is found in the claims and indicate how the drawings fail to satisfy 37 C.F.R. §1.83(a).

4. Reference Numeral 11.

Applicants have amended the obvious error in Figure 8 by changing reference numeral 11 to "111," which change is supported by the originally filed application at page 17, lines 22-24. This amendment renders the rejection moot.

B. Rejections Under 35 U.S.C. §103

Claims 1, 3-7, 11, 13-15, 20-27, 30-37, 40 and 42-45 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,143,294 (Lintvedt) in view of PCT Publication No. WO 98/32539 (Joseph '539). Claims 9, 10, 12 and 17-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lintvedt in view of Joseph '539 and further in view of PCT Publication No. WO 02/085533 (Joseph '533). Claims 16, 28 and 29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lintvedt in view of Joseph '539 and further in view of U.S. Patent No. 6,595,441 (Petrie et al.). Claims 38 and 39 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lintvedt et al. in view of Joseph '539 and further in view of U.S. Patent No. 5,421,489 (Holzner et al.). These rejections are respectfully traversed.

Each of the rejections under 35 U.S.C. §103(a) relies upon the combination of Lintvedt in view of Joseph '539. According to the Patent Office (pages 4-5 of the Office action):

Lintvedt et al. does not teach a gravity fed spray gun or wherein the liner is able to stand on its own, unsupported.

However, Joseph et al. '33¹ does teach a gravity fed spray gun and (Fig. 1) wherein the liner is able to stand on its own, unsupported (page 9, lines 3-4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have motivation to modify the liner of Lintvedt et al. with the liner of Joseph et al. 33 to match the internal shape of the outer container (page 8, lines 14-15).

The Patent Office is correct in its conclusion that Lintvedt does not teach a gravity-fed spray gun; the description at column 3, lines 15-24 makes clear that Lintvedt depicts a siphon-type paint gun. Replacing the liner of Lintvedt with the liner of Joseph '539 still results in a siphon-type paint gun and, accordingly, fails to reach Applicants' claims all of which require a "gravity-fed spray gun." Since the foregoing comments apply to all of the rejected claims, further discussion of the Patent Office's rejections that rely on Joseph '533, Petrie et al. and Holzner et al. is unnecessary at this time.

The Patent Office acknowledged this in the telephonic interview conducted on January 14 but indicated that the rejection under 35 U.S.C. §103(a) could be recast as being based on Joseph '539 in view of Lintvedt (rather than Lintvedt in view of Joseph '539). To the extent that the Patent Office considers this rejection, then Applicants point out that Joseph '539 does not disclose a reservoir comprising a liner, a lid having a central opening and configured to fit within an opening in the liner, and a cap member positioned over the lid, wherein the reservoir, lid and cap member have the structural features described in at least claim 1.

¹ It appears that the reference to "Joseph et al. '33" was intended to be a reference to "Joseph et al. '39" and Applicants have assumed this in responding to the Office action.

Accordingly, Applicants submit that the application is in condition for allowance and respectfully request early and favorable reconsideration and reexamination of the same. If the Examiner has any continuing questions or concerns regarding the application, he is encouraged to directly contact Applicants' undersigned representative at the telephone number shown below.

Respectfully submitted,

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Date

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